



Public Charge Fact Sheet for Staff

This document is intended to serve as a resource to assist staff in guiding customers and students. If a customer or student would like a written copy, please share the customer/student version, which is also available in nine different languages, and can be found on the New Americans webpage.

1. What is public charge?

A non-U.S. citizen can be called a “public charge” if an immigration official thinks they are likely to depend on government benefits in the future. Being called a public charge can impact a person’s application for permanent residency (green card). It can also impact a green card holder who leaves the U.S. for more than six months and wants to come back. Checking if someone might become a public charge started on February 20, 2020.

An immigration official will look at many different factors in a person’s green card application to decide if they might become a public charge. These factors include age, health, financial status, work experience, English proficiency, and use of certain public benefits. Some factors are rated as positive and some factors are rated as negative.

2. What public benefits are a factor in being called a “public charge”?

- Cash assistance from federal, state, local, or tribal government. Examples include Temporary Assistance for Needy Families (TANF) or Supplemental Security Income (SSI)
- Supplemental Nutrition Assistance Program (SNAP), also known as Food Stamps
- Medicaid (with exceptions for emergency services, children under 21 years old, pregnant women, and 60 days of post-partum services)
- Federal Public Housing, Section 8 housing vouchers, and Section 8 project-based rental assistance

3. How might this affect my program?

Many immigrants are scared of this new public charge rule. It is new and there is a lot of misinformation. Some immigrants might think that participating in workforce or adult education activities will count negatively towards their immigration application and therefore may choose to not participate. It is important to note that participating workforce and adult education programs are listed as positive factors in the public charge determination. It always must be stressed that the determination is made on totality of circumstances.

4. Does public charge impact all immigrants?

No. People with certain immigration statuses are exempt from public charge: refugees, asylees, survivors of trafficking and other serious crimes, self-petitioners under the Violence Against Women Act, and Special immigrant juveniles. Individuals should seek advice from a lawyer to understand how this rule might be applied in their case.



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5. What should I do if an immigrant student or customer asks me about public charge?

- Share the Maryland Department of Labor Public Charge Fact Sheet for Customers and Students. This is available on our website at <http://labor.maryland.gov/employment/newamerres.shtml>. It is available in English as well as Spanish, French, Arabic, Amharic, Korean, Chinese, Tagalog, Portuguese, and Vietnamese.
- Do not give any legal advice. Instead, help your customer or student find a reputable legal clinic. Here is a listing of some reputable organizations: <https://www.immigrationadvocates.org/nonprofit/legaldirectory/search?state=MD>
- Provide your customer or student with documentation of their participation in activities. These documents can include enrollment documents, transcripts, and certificates, depending on what your institution offers. Immigrants may ask for these documents as showing their participation in such activities can improve their application as it shows an effort towards trying to improve English, education, and/or skills.

More information is online on the U.S. Citizenship and Immigration Services website: <https://www.uscis.gov/greencard/public-charge>.

Questions? Contact Amanda Olmstead, New Americans Initiative Coordinator at Amanda.Olmstead1@maryland.gov.